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EXAMINER	
MA, JOHNNY	
ART UNIT	**PAPER NUMBER**
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/752,267	DURDEN ET AL.	
	Examiner	Art Unit	
	Johnny Ma	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-17 and 19-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13-17 and 19-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The rejection of 35 U.S.C. § 112, second paragraph is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11, 13-17, and 19-33 have been considered but are moot in view of the new ground(s) of rejection. Also note, in response to applicant's argument that "[t]he proposed combination of *Shoff* and *Iki* also teaches away from these claims...The Examiner's proposed combination changes the principle of operation of *Shoff*...If *Shoff* were modified, as Examiner Ma proposes, to automatically perform functions matching stored targets, then *Shoff's* principle of operation must be changed to receive the target data, and retrieve the predetermined functions. This proposed configuration changes *Shoff's* principle of operation and is impermissible" (Remarks, pg. 13), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant

> for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10, 15, 16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al. (US 6,240,555 B1 of record) .

As to claim 10, note the Shoff et al. reference that discloses and interactive entertainment system for presenting supplemental interactive content together with continuous video programs. The claimed "communicating electronic program guide data via a communications network" is met by "[t]he data records stored at the headend on the EG server are transmitted periodically in batch, or individually, and cached at the local EPG" (Shoff 7:1-8) wherein "[s]ystem 20 includes a centralized headend 22 which is configured to provide continuous video content programs to multiple subscribers" (Shoff 4:16-18) and "[o]ne implementation is a multi-tier network which includes a high-speed, high-bandwidth fiber optic cable network between the headend and regional distribution nodes (not shown), and conventional home entry lines, such as twisted-pair lines or coaxial cable, between the distribution nodes and viewer computing units" (Shoff 4:45-51). The claimed "communicating a data tag that has been added to the electronic program guide data" is met by "data structure 48 which is used by the EPG database 46 to organize programming information and to correlate target specifications with the programs" (Shoff 5:61-63), "data structure 48 includes a data field 58 [data tag] for holding target specifications which reference target resources supporting the supplemental content" (Shoff 6:7-9), wherein "EPG server 44 is provided at headend 22 to serve the programming information needed by the EPG at the viewer computing unit 24" (Shoff 5:6-8), such serving of data conducted through communication network

between headend and user devices. The claimed wherein the data tag comprises a command and a parameter " is met by the Shoff et al. data tag comprising target specification comprise memory pointers, hyperlinks, URLs, or any other designation for referencing a location containing supplemental content wherein the target specification is a command to perform a function (retrieve a target resource) and the target specification includes the location of the target resource (the parameter). The claimed "the command comprising an instruction to send a control instruction to a consumer electronics device" is met by "[t]he viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive...If the program is interactive compatible (i.e., the 'yes' branch from step 154), the viewer computing unit retrieves [strips] the target specification from the EPG data structure (step 158 in FIG. 6)...The hyperlink browser 106 is loaded onto the processor to render the target resource referenced by the target specification (step 160)...the viewer computing unit can automatically activate the target resource as soon as the browser is loaded on the processor (step 170 from the 'automatic' branch from step 160)" (Shoff, see column 9).

As to claim 15, the claimed "wherein communicating the data tag comprises sending a uniform resource locator" is met by reference target specifications in the form of hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56).

As to claim 16, note the Shoff et al. reference that discloses and interactive entertainment system for presenting supplemental interactive content together with continuous video programs. The claimed "receiving electronic program guide data" is

met by "[t]he data records stored at the headend on the EG server are transmitted periodically in batch, or individually, and cached at the local EPG" (Shoff 7:1-8) wherein "[s]ystem 20 includes a centralized headend 22 which is configured to provide continuous video content programs to multiple subscribers" (Shoff 4:16-18) and "[o]ne implementation is a multi-tier network which includes a high-speed, high-bandwidth fiber optic cable network between the headend and regional distribution nodes (not shown), and conventional home entry lines, such as twisted-pair lines or coaxial cable, between the distribution nodes and viewer computing units" (Shoff 4:45-51). The claimed "receiving a data tag that has been added to the electronic program guide data" is met by "data structure 48 which is used by the EPG database 46 to organize programming information and to correlate target specifications with the programs" (Shoff 5:61-63), "data structure 48 includes a data field 58 [data tag] for holding target specifications which reference target resources supporting the supplemental content" (Shoff 6:7-9), and "EPG server 44 is provided at headend 22 to serve the programming information needed by the EPG at the viewer computing unit 24" (Shoff 5:6-8), such serving of data conducted through communication network between headend and user devices wherein data is processed to display supplemental content with the program (Shoff 6:8-28). The claimed "the data tag comprising a command and a parameter" is met by the Shoff et al. data tag comprising target specification comprise memory pointers, hyperlinks, URLs, or any other designation for referencing a location containing supplemental content wherein the target specification is a command to perform a function (retrieve a target resource) and the target specification includes the location of the target resource (the parameter). The claimed "stripping the data tag from the electronic

program guide data; and communicating the command and the parameter to a consumer electronics device" is met by "[t]he viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive...If the program is interactive compatible (i.e., the 'yes' branch from step 154), the viewer computing unit retrieves [strips] the target specification from the EPG data structure (step 158 in FIG. 6)...The hyperlink browser 106 is loaded onto the processor to render the target resource referenced by the target specification (step 160)...the viewer computing unit can , automatically activate the target resource as soon as the browser is loaded on the processor (step 170 from the 'automatic' branch from step 160)" (Shoff, see column 9), note the target specification (command and parameter) is communicated to the set top box processor (consumer electronics device) for execution.

As to claim 19, the claimed "wherein processing the data tag comprises retrieving data from the internet" is met by reference target specifications in the form of hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56). The claimed "link to a website that contains related information to the programming" is met by URLs referencing a location containing supplemental content (Shoff 6:49-56) wherein URLs provide data from the internet (Shoff 6:29-48).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4, 6-7, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555 of record) in further view of Rzeszewski et al. (US 5,917,481).

As to claim 1, note the Shoff et al. reference that discloses an interactive entertainment system for presenting supplemental interactive content together with continuous video programs. The claimed "receiving programming" is met by "[h]eadend 22 provides video content programs to the viewer computing unit 24. The programs are embodied as video data streams that are transmitted from headend 22 over distribution structure 32 to the viewer computing unit" (Shoff 4:62-65). The claimed "receiving a data tag with the programming" is met by EPG "data structure 48 includes a data field 58 [data tag] for holding target specifications which reference target resources supporting the supplemental content" (Shoff 6:7-9), wherein "[t]he data records stored at the headend on the EPG server are transmitted periodically in batch, or individually, and cached at the local EPG" (Shoff 7:1-8). Note that the data records are received with the programming as illustrated by the transmission of EPG data and video programming over a single network 32 (Shoff, see Figure 2). The claimed "data tag comprising control data relating to the programming" is met by "[t]he data structure correlates the target specifications with the programs by associating them within the same program record" (Shoff 6:9-11) and "[t]he target specifications can be in the form of memory pointers, hyperlinks, URLs, or any other designation for referencing a location containing supplemental content...the target resources can be embedded within other text-based data held in other data fields 50 which also relate to the corresponding programs" (Shoff 6:61-

67) wherein the target specifications serve as control data to direct the presentation of supplement content to the user. Note, the Shoff et al. reference discloses "[t]he data records stored at the headend on the EPG server are transmitted periodically in batch , or individually, and cached at the local EPG" (Shoff 7:3-5). However, the Shoff et al. reference does not specifically disclose how the received EPG data is processed, "stripping the data tag from the programming." Now note the Rzeszewski et al. reference that discloses an electronic television program guide with selective updating. The Rzeszewski et al. reference discloses stripping the program guide data from the programming wherein "the electronic TV program guide information is encoded according to a predetermined format, then broadcast in some portion of the video/audio broadcast. In one approach, the program data is encoded in the vertical blanking interval (VBI) of one or more stations. Thus, the decoder 16 may be a VBI decoder that decodes TV program data from the VBI of one or more channels" (Rzeszewski 4:17-26). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. receipt of electronic programming data with the Rzeszewski et al. extracting the electronic programming guide from the VBI for the purpose of providing a well known method of providing the EPG data to the user over the same network as programming data while conserving bandwidth for the transmission of more program choices. Note, the claimed "stripping the data tag from the programming" is met by the Shoff et al. and Rzeszewski et al. combination as discussed above wherein the electronic programming guide data comprising a data tag is stripped from programming. The claimed "communicating the control data to a consumer electronics device" is met by "[t]he viewer computing unit

checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program being carried on the selected channel at this time is interactive...If the program is interactive compatible (i.e., the 'yes' branch from step 154), the viewer computing unit retrieves [strips] the target specification from the EPG data structure (step 158 in FIG. 6)...The hyperlink browser 106 is loaded onto the processor to render the target resource referenced by the target specification (step 160)...the viewer computing unit can automatically activate the target resource as soon as the browser is loaded on the processor (step 170 from the 'automatic' branch from step 160)" (Shoff, see column 9), note the control data is communicated to the set top box processor (consumer electronics device) for execution.

As to claim 2, please see rejection of claim 1.

As to claim 3, the claimed "wherein the data tag comprises a command to obtain real-time data from the internet that is synchronized to the programming" is met by reference target specifications in the form of hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56) wherein supplemental content is stored digitally in database 54 and can be video or other multimedia types (Shoff 5:12-23) wherein the real-time data is synchronized to the presentation (Shoff 10:7-17).

As to claim 4, the claimed "wherein the data tag comprises a uniform resource locator" is met by reference target specifications in the form of hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56). The claimed "link to a website that contains related information to the programming" is met by URLs referencing a location containing supplemental content

(Shoff 6:49-56) wherein supplemental content include information related to the program (Shoff 5:12-22).

As to claim 6, the claimed "wherein the data tag is a command to retrieve data from memory of an external device" is met by reference target specifications in the form of hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56) wherein supplemental content is stored digitally in database 54 and can be video or other multimedia types (Shoff 5:12-23).

As to claim 7, the claimed "wherein the data tag is a command to retrieve data from the internet" is met by reference target specifications in the form of hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (Shoff 6:49-56). The claimed "link to a website that contains related information to the programming" is met by URLs referencing a location containing supplemental content (Shoff 6:49-56) wherein URLs provide data from the internet (Shoff 6:29-48).

As to claim 30, please see rejection of claim 1.

As to claim 31, please see rejection of claim 1.

As to claim 32, please see rejection of claim 1.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555 B1 of record) in further view of Rzeszewski et al. (US 5,917,481) and Ward, III et al. (US 2002/0073424 A1 of record).

As to claim 5, the claimed "wherein the data tag obtains supplemental electronic program guide data from the internet for the programming." Note the Shoff et al. reference discloses providing supplemental information to a user via the Internet through data tags (Shoff columns 5-6). However, the Shoff et al. reference is silent as to

obtaining supplemental electronic program guide data from the internet for the programming. Now note the Ward, III et al. reference that discloses a system and method for modifying advertisement responsive to EPG information. The claimed "data tag obtains supplemental electronic program guide data from the internet for the programming" is met by "[t]he EPG displays detailed information relevant to program listings in the detailed information area of the Grid Guide. The detailed information can include, among other things, a detailed textual description of the program, information about the actors and actresses, information about the production of the program...[to] access to detailed program-related information, the EPG connects the viewer with an external database of information, such as with a particular web site on the Internet" (Ward, III [0202-0203]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. EPG guide with the Ward, III access of additional information through the Internet for the purpose of providing users additional information regarding programming without requiring a user device to store all such information in memory, thus conserving user device memory.

8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555 B1 of record) in further view of Rzeszewski et al. (US 5,917,481) and Iki et al. (US 6,008,802 of record).

As to claim 8, the claimed "wherein the data tag is a command for environmental control of audio equipment." Note the Shoff et al. reference discloses a data field 58 for holding target specifications which reference target resources supporting the supplemental content (Shoff 6:7-9). However, the Shoff et al. reference is silent as to a

data field for environmental control of audio equipment. Now note the Iki et al. reference that discloses a method and apparatus for automatically performing a function based on the reception of information corresponding to broadcast data. The claimed "command for environmental control of audio equipment" is met by "system controller 104 analyzes programming content and configures system 100 to take full advantage of the programming. For example, if a television show is being broadcast in surround sound, system controller 104 determines that the program is offered in surround sound and configures system 100 to display the television show in surround sound" (Iki 4:18-25) wherein system 100 includes speaker system (audio equipment) as illustrated in Figure 1. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data set with the Iki et al. environmental control information for the purpose of automatically configuring a system to take full advantage of the programming (Iki 4:18-25).

As to claim 9, please see rejection of claim 8 wherein the Shoff et al. and Iki et al. combination teaches configuring audio equipment.

9. Claims 13-14, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555 B1 of record) in further view of Iki et al. (US 6,008,802 of record).

As to claim 13, please see rejection of claim 12 wherein the Shoff et al. and Iki et al. combination teaches configuring audio equipment.

As to claim 14, the claimed "wherein communicating the data tag comprises sending control information to configure lighting." Note the Shoff et al. reference discloses a data field 58 for holding target specifications which reference target resources

supporting the supplemental content (Shoff 6:7-9) to enhance viewing. However, the Shoff et al. reference is silent as to a data field for control of lighting. Now note the Iki et al. reference that discloses a method and apparatus for automatically performing a function based on the reception of information corresponding to broadcast data. The claimed "control information to configure lighting" is met by "system controller 104 analyzes programming content and configures system 100 to take full advantage of the programming" (Iki 4:18-25) wherein "[i]n one embodiment, for example, as system controller 104 configures system 100 to display a movie, it may also dim the lights in the room to a predetermined level to further enhance the viewing environment" (Iki 4:10-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data set with the Iki et al. lighting control information for the purpose of further enhancing the viewing environment (Iki 4:10-13).

As to claim 24, the claimed "wherein processing the data tag comprises processing an instruction to configure audio equipment." Note the Shoff et al. reference discloses a data field 58 for holding target specifications which reference target resources supporting the supplemental content (Shoff 6:7-9). However, the Shoff et al. reference is silent as to a data field for configuring audio equipment. Now note the Iki et al. reference that discloses a method and apparatus for automatically performing a function based on the reception of information corresponding to broadcast data. The claimed "instruction to configure audio equipment" is met by "system controller 104 analyzes programming content and configures system 100 to take full advantage of the programming. For example, if a television show is being broadcast in surround sound, system controller 104

determines that the program is offered in surround sound and configures system 100 to display the television show in surround sound" (Iki 4:18-25) wherein system 100 includes speaker system (audio equipment) as illustrated in Figure 1. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data set with the Iki et al. environmental control information for the purpose of automatically configuring a system to take full advantage of the programming (Iki 4:18-25).

As to claim 25, the claimed "wherein processing the data tag comprises processing an instruction to configure lighting." Note the Shoff et al. reference discloses a data field 58 for holding target specifications which reference target resources supporting the supplemental content (Shoff 6:7-9) to enhance viewing. However, the Shoff et al. reference is silent as to a data field for control of lighting. Now note the Iki et al. reference that discloses a method and apparatus for automatically performing a function based on the reception of information corresponding to broadcast data. The claimed "instruction to configure lighting" is met by "system controller 104 analyzes programming content and configures system 100 to take full advantage of the programming" (Iki 4:18-25) wherein "[i]n one embodiment, for example, as system controller 104 configures system 100 to display a movie, it may also dim the lights in the room to a predetermined level to further enhance the viewing environment" (Iki 4:10-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data set with the Iki et al. lighting control information for the purpose of further enhancing the viewing environment (Iki 4:10-13).

As to claims 26-27, the claimed "wherein processing the data tag comprises processing an instruction to configure a motion simulator" and "wherein processing the data tag comprises processing an instruction to configure an aroma generator to generate aromas." Note the Shoff et al. reference discloses a data field 58 for holding target specifications which reference target resources supporting the supplemental content (Shoff 6:7-9) to enhance viewing. However, the Shoff et al. reference is silent as to a data field for controlling non display related supplements to the viewing environment. Now note the Iki et al. reference that discloses a method and apparatus for automatically performing a function based on the reception of information corresponding to broadcast data. The Iki et al. reference discloses "system controller 104 analyzes programming content and configures system 100 to take full advantage of the programming" (Iki 4:18-25) wherein "[s]ystem controller 104 is also configured to control a wide variety of features associated with each of the system components" (Iki 3:44-46) such as "[i]n one embodiment, for example, as system controller 104 configures system 100 to display a movie, it may also dim the lights in the room to a predetermined level to further enhance the viewing environment" (Iki 4:10-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data set with the Iki et al. control of other system components for the purpose of further enhancing the viewing environment (Iki 4:10-13). However, the Shoff et al. and Iki et al. combination does not specifically disclose the use of a motion simulator or aroma generator for supplementing programming. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to use motion simulators and/or aroma generators for the purpose of enhancing user viewing by

providing more realistic presentations. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. and Iki et al. data tag controlling system components accordingly for the above stated advantages.

10. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555 B1 of record) in further view of Wu et al. (US 6,326,982 B1 of record).

As to claim 11, the claimed "wherein communicating the data tag comprises communicating a start offset and a duration to activate the data tag." Note the Shoff et al. reference discloses EPG data including a data tag (Shoff 6:7-28) wherein supplemental data, as identified by data tag, is synchronized to the program according to timing information (Shoff 10:50-52). However, the Shoff et al. reference is silent as to the data tag comprising a start offset and a duration to activate the data tag. Now note the Wu et al. reference that discloses a method and apparatus for automatically accessing web pages based on television programming information. The claimed data tag including start off set and duration is met by "programming schedule mapping information including: a plurality of programming schedule segments each being associated with a corresponding portion of video data to be received by the client system 12 from the video data provider 16 via a corresponding on of the video channels during a corresponding time frame; and a plurality of Web addresses associated with corresponding ones of the schedule segments, each of the Web addresses indicating a corresponding one of a plurality of Web sites 36 each having a server operative to provide a Web page associated with a corresponding one of the program schedule segments" (Wu 4:21-31). Therefore, the examiner submits

that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. supplemental content display with the Wu et al. timing information for the purpose of providing the display of supplemental content during relevant times of a program segment.

As to claim 17, the claimed "wherein processing the data tag comprises processing a start offset and a duration that activates the data tag." Note the Shoff et al. reference discloses EPG data including a data tag (Shoff 6:7-28) wherein supplemental data, as identified by data tag, is synchronized to the program according to timing information (Shoff 10:50-52). However, the Shoff et al. reference is silent as to the data tag comprising a start offset and a duration to activate the data tag. Now note the Wu et al. reference that discloses a method and apparatus for automatically accessing web pages based on television programming information. The claimed data tag including start off set and duration is met by "programming schedule mapping information including: a plurality of programming schedule segments each being associated with a corresponding portion of video data to be received by the client system 12 from the video data provider 16 via a corresponding on of the video channels during a corresponding time frame; and a plurality of Web addresses associated with corresponding ones of the schedule segments, each of the Web addresses indicating a corresponding one of a plurality of Web sites 36 each having a server operative to provide a Web page associated with a corresponding one of the program schedule segments" (Wu 4:21-31). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. supplemental content display with the Wu et al.

timing information for the purpose of providing the display of supplemental content during relevant times of a program segment.

11. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555 B1 of record) in further view of Rzeszewski et al. (US 5,917,481) and Wu et al. (US 6,326,982 B1 of record).

As to claim 33, the claimed "wherein communicating the data tag comprises communicating the data tag added to electronic program guide data, the data tag comprising a command [and] a parameter" is met by that discussed in the rejection of claim 30. Furthermore, note the Shoff et al. reference discloses EPG data including a data tag (Shoff 6:7-28) wherein supplemental data, as identified by data tag, is synchronized to the program according to timing information (Shoff 10:50-52). However, the Shoff et al. reference is silent as to the data tag comprising a start offset and a duration to activate the data tag. Now note the Wu et al. reference that discloses a method and apparatus for automatically accessing web pages based on television programming information. The claimed data tag including start off set and duration is met by "programming schedule mapping information including: a plurality of programming schedule segments each being associated with a corresponding portion of video data to be received by the client system 12 from the video data provider 16 via a corresponding on of the video channels during a corresponding time frame; and a plurality of Web addresses associated with corresponding ones of the schedule segments, each of the Web addresses indicating a corresponding one of a plurality of Web sites 36 each having a server operative to provide a Web page associated with a corresponding one of the program schedule segments" (Wu 4:21-31). Therefore, the examiner submits

that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. supplemental content display data tag with the Wu et al. timing information for the purpose of providing the display of supplemental content during relevant times of a program segment.

12. Claims 20-23 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555 B1 of record) in further view of Iggulden (US 6,597,405 B1 of record).

As to claim 20, the claimed "wherein the processing the data tag comprises retrieving data from memory" is met by "[t]he same or a subset of data structure 48 is employed at the EPG application running at the viewer computing unit in the home. The data records stored at the headend on the EPG server are transmitted periodically in batch, or individually, and cached at the local EPG. The local EPG is thus able to identify whether a particular program is interactive compatible by quick reference to the locally cached EPG data structure" (Shoff 7:1-8). However, the Shoff et al. reference is silent as to "in which modifying the presentation further comprises modifying the volume of the program based upon the at least one data tag." Now note the Iggulden reference that discloses a method and apparatus for automatically identifying and selectively altering segments of a television broadcast signal in real-time. The claimed modifying the volume of the program" is met by "[a]lthough described with reference to an exemplary system which operates to mute a television signal during commercial advertisements, almost any other desired action may alternatively be triggered...the system may change the reception channel upon detection of a commercial advertisements then return to the same channel upon completion of the advertisement or group of

advertisements" (Iggulden 25:9-20). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shoff et al. data tag for supplementing television programming with the Iggulden muting or channel changing during commercial advertisements for the purpose of fulfilling the desire of many television viewers to have a system to help avoid viewing unwanted commercials (Iggulden 1:17-28).

As to claim 21-23, please see rejection of claim 20.

As to claim 28, note the Shoff et al. reference discloses "[t]he same or a subset of data structure 48 is employed at the EPG application running at the viewer computing unit in the home. The data records stored at the headend on the EPG server are transmitted periodically in batch, or individually, and cached at the local EPG. The local EPG is thus able to identify whether a particular program is interactive compatible by quick reference to the locally cached EPG data structure" (Shoff 7:1-8). However, the Shoff et al. reference is silent as to "wherein the data tag mutes commercial programming" Now note the Iggulden reference that discloses a method and apparatus for automatically identifying and selectively altering segments of a television broadcast signal in real-time. The claimed muting commercial programming is met by "[a]lthough described with reference to an exemplary system which operates to mute a television signal during commercial advertisements, almost any other desired action may alternatively be triggered...the system may change the reception channel upon detection of a commercial advertisements then return to the same channel upon completion of the advertisement or group of advertisements" (Iggulden 25:9-20). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the Shoff et al. data tag for supplementing television programming with the Iggulden muting or channel changing during commercial advertisements for the purpose of fulfilling the desire of many television viewers to have a system to help avoid viewing unwanted commercials (Iggulden 1:17-28).

As to claim 29, please see the rejection of claim 28 wherein commercials are censored.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm

VIVEK SRIVASTAVA
PRIMARY EXAMINER